

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**CURLING PLAINTIFFS’ MOTION TO SEAL PORTIONS OF THE
DECLARATION OF J. ALEX HALDERMAN SUBMITTED IN SUPPORT
OF THEIR BRIEF REGARDING STANDING**

Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg (the “Curling Plaintiffs”) move the Court to seal portions of the February 12, 2021 Declaration of J. Alex Halderman accompanying Curling Plaintiffs’ Brief Regarding Standing. Specifically, paragraphs 5-11, and 13-15, of the Declaration discuss information gleaned from his analysis of Georgia’s election system and specific election equipment provided to him by Fulton County as part of the discovery conducted to date in this case.

State Defendants have previously designated Dr. Halderman’s analysis of the Georgia election system as Confidential under this Court’s Protective Order (Dkt. No. 477), classifying it as “information regarding the Georgia election system’s critical infrastructure, which, if published, although not sufficient in itself to compromise the system, could provide potential hackers or bad actors with

additional information about methods of accessing Georgia’s election system.” (Dkt. No. 820 at 3; Dkt. No. 822 (granting State Defendants’ Motion to Seal).) Dr. Halderman’s testimony at the September 2020 preliminary injunction hearing concerning his analysis was also sealed.

In reliance on State Defendants’ prior representations and designation of the information as Confidential, Curling Plaintiffs seek to seal the indicated information out of an abundance of caution. The Court’s Standing Order (Dkt. No. 11 at 24), the Protective Order (Dkt. No. 477 at 11) and this Court’s local rules concerning electronic filing (LR App. H, Section II(J), NDGA) authorize this motion and the filing under seal of the sensitive information. In further support, Curling Plaintiffs state as follows.

ARGUMENT AND CITATION OF AUTHORITY

The Curling Plaintiffs recognize that there is a presumption of public access to judicial documents. However, “[a] party’s privacy or proprietary interest in information sometimes overcomes the interest of the public in accessing the information.” *Romero v. Drummon Co., Inc.*, 480 F.3d 1234 (11th Cir. 2007). Courts find cause for sealing documents where access would impair court functions, where there is likelihood of injury if the information is made public, where the information concerns public officials or public concerns, and where there is no less onerous alternative to sealing the documents. *Romero* at 1246.

As previously stated, these portions of Dr. Halderman's declaration contains an analysis of the Georgia voting system including information similar to that which was designated by State Defendants under paragraph 3 of the Protective Order (Dkt. No. 477) and permitted under seal by the Court. Defendants have contended such information could potentially aid bad actors in gaining unauthorized information regarding election systems used in Georgia and other jurisdictions.

Curling Plaintiffs respectfully request that the Court grant their Motion to Seal. A proposed order is attached for the convenience of the Court.

Respectfully submitted this 12th day of February, 2021.

/s/ David D. Cross

David D. Cross (*pro hac vice*)
Veronica Ascarrunz (*pro hac vice*)
Eileen Brogan (*pro hac vice*)
Lyle P. Hedgecock (*pro hac vice*)
Mary G. Kaiser (*pro hac vice*)
Robert W. Manoso (*pro hac vice*)
MORRISON & FOERSTER LLP
2100 L Street, NW, Suite 900
Washington, DC 20037
(202) 887-1500

/s/ Halsey G. Knapp, Jr.

Halsey G. Knapp, Jr.
GA Bar No. 425320
Adam M. Sparks
GA Bar No. 341578
KREVOLIN & HORST, LLC
1201 West Peachtree Street, NW
Suite 3250
Atlanta, GA 30309
(404) 888-9700

Counsel for Plaintiffs Donna Curling, Donna Price & Jeffrey Schoenberg

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross
David D. Cross

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2021, a copy of the foregoing **CURLING PLAINTIFFS' MOTION TO SEAL PORTIONS OF THE DECLARATION OF J. ALEX HALDERMAN SUBMITTED IN SUPPORT OF THEIR BRIEF REGARDING STANDING** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross

David D. Cross